

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,
Plaintiff,

Case #:4:09-cr-00076-DLH-1-2
3:10-cv-00030-RRE_CBK
1:10-cr-00041-DLH-CBK-1-2

v.

Michael-Howard-Reed,
Defendant.

DEFENDANT'S MOTION TO DISMISS
WITH PREJUDICE FOR LACK OF
SUBJECT-MATTER JURISDICTION
BY NEW EVIDENCE AND FOR
FRAUD UPON THE COURT

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Comes now, by special appearance (emphasis added; Blacks Law 8th edition),
Boakonannaishkawaanden:=Michael-Howard-Reed-original-Executor-Heirs-By-Blood
For-The-Great-Turtle-Island, Non-corporate/citizenship/trustee/corporation/
entity/agent/indian/BIA/DIA/Beneficiary-for-the-United-States-of-America-Inc; in
peace, in honor, super protest for dishonor, sends greetings and saluations for
you and each of you this presents; with cooperation and to clear any defects
along the way: without waver for original venue, jurisdiction, for the esens
heir by blood for the little shell, for the-great-turtle-island:and states as
follows; moves this court under Fed. R. Civ. P. Rules 12(b)(1), 60(b)(3),
60(b)(4), 60(b)(6) and 60(d)(3) to dismiss with prejudice the entire action for
a lack of a granted subject-matter jurisdiction of the district court and, BY
NEW EVIDENCE, and for lack of a granted subject-matter jurisdiction of the
district court that can be taken by the court to enforce a VOID judgment.

"Courts are constituted by authority and they cannot go beyond that power
delegated to them. If they act beyond that authority, and certainly in
contravention of it, their judgments and orders are regarded as nullities;
they are not voidable, but simply void, and this even prior to reversal."
Williamson v. Berry, 8 HOW. 945, 540 12 L. Ed. 1170, 1189 (1850)

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1. Defendant herein incorporates all of the facts and pleadings made and contained in his "Defendant's Motion to VOID JUDGMENT for Lack of subject-matter jurisdiction BY NEW EVIDENCE, and for fraud upon the court," January 12, 2015.

2. Included but not limited for all the following cases 4:09-cr-00076-DLH-1 and 1:10-cr-00041-CBR-1-2 and 3:10-cv-00030-RRE-CBK and Appeals Cases #10-2010, 10-2709, 10-3266, 11-1462 and states as follows

3. On 9-24-2009, Lynn C. Jordheim causes dishonor by filing the fictitious/fraudulent indictment case no. 4:09-cr-00076-DLH without grand jury concurrence, or voting by ballot with twelve(12) grand jurors concurring for indictment, violation of Rule 6; and the Acts of Congress and the Constitution, and was a "STAR CHAMBER PROCEEDING". See Exhibit (1).

4. On 9-24-2009, Lynn C. Jordheim request for warrant upon filing of fraudulent indictment whereas it is void, on its face, [106 F. 2d 327] Garther v. United States, 413 F. 2d 1061.

5. On 9-25-2009, Clark County, Nevada received a void arrest warrant in violation and dishonor for Fed. R. Cr. P., Rule 4(b)(1) and Rule 9(b) See Exhibit 2, no Judge signature by and through Supreme Law, Court Rules, Acts of Congress and the Constitution, whereinfor case 4:09-cr-00076-DLH and 2:09-mj-00808-GWF-GWF-1 is void on its face, See Exhibit (1)(3).

6. On 10-21-2009, case no. 2:09-mj-00808-GWF-GWF-1, George Foley, Jr. signed the order of detention, commitment to another district, was a wrongful act, in violation of Rule 4, 9, of the Fed. R. Cr. P., and was a fraudulent warrant issued from the Court of Clerk, Renee Suihl Deputy Clerk, for North Dakota, whereas by and through Federal Magistrate Act, they cannot sit on a criminal case because of entrapment by estoppel of inferior court, Title 28 is only a Congressional Court, not of We-The-People. See Bradley v. Fisher, 20 L. Ed. 646

(1872); Chisholm v. Georgia, 2 Dallas 471; 10 Peters 474, Pedalford v. Savannah, 14 GA 438 People are not under the Constitution, or the Acts of Congress, estoppel by entrapment: Price v. United States, 56 F. 2d 135 (7th Cir. Feb 1932).

7. Whereinfor David D. Hagler acted in conspiracy with Lynn C. Jordheim for continuing the fraud and wrongdoing, in violation of Title 18 Section 1001, and violating the Supreme Law of the Land, Acts of Congress, statutory violation and the canons of judicial ethics and the false claim act.

8. Whereinfor hireling/employee Daniel L. Hovland acted in conspiracy Title 18 §2 and §1001 for case no. 4:09-cr-00076-DLH. Docket omitted herein, and removed documents from being filed from the little shell nation, whereas is "fraud upon the court."

9. Whereas hireling/employee Charles S. Miller, Jr. acted in conspiracy for case no. 4:09-cr-000767-DLH, docket omitted, Title 18 §2 and §1001.

10. Docket no. 21 on 11-25-2009, Magistrate Judge Karen K. Kline demonstrated dishonor/fraud upon the court by wrongful acts against the alleged Defendant, Executor-Michael-Howard-Reed. TM and coming in as a third party intervenor by ruling on motions 13, 14, 15, 16, 17, and not rebutting the affidavit whereas Karen K. Kline was acting as the "attorney in fact" and was the "star chamber court" all at once: which is in violation of due process doctrine and judicial misconduct; Triad Energy Corp. v. McNeill, 110 FRD 382 (SDNY 1986); Re Estate of Wells, 983 P. 2d 279 (Kan. App. 1999); Rook v. Rook, 353 S. E. 2d 756 (Va 1987) and did not follow statutory procedure; Armstrong v. Obucino, 300 Ill 140, 143 (1921).

11. On 11-25-2009, Executor-Michael-Howard-Reed. TM gave notice of copyright by common law, and notice of declaration of independence; whereas Judge Karen K. Kline, on her own order Docket No. 21 became disqualified Judge

"disqualification occurs when the facts creating disqualification arise, not when the disqualification is established." (Christie v. City of El Centro, Supra., 135 Cal. App. 4th at P. 776, 37 Cal. Rptr 3d 718) and all orders made by disqualified Judge are void. (Cadenasso v. Bank of Italy, (1932), 214 Cal. 562, 6 P. 2d 944.

12. On 11-30-2009, Case No. 4:09-cr-00076-DLH Docket Entry no. 23, Supplement, missing document proves that due process doctrine, and rules of court were violated, (omitted herein and duly constituted) and it exposes the court's invention as being completely improper because it is absolutely bereft of any legitimate constitutional foundation and or granted subject-matter jurisdiction of the court that can be taken under the Constitution, as unlawfully invented by the court in its Order conferring upon itself its own invention without cited supporting precedent for its improper invention.

13. On 12-04-2009, Magistrate Judge CSM, Jr. violated the Executor-Michael-Howard-Reed. TM for appointing Federal Public Defender Orell Schmitz as standby counsel; whereinfor acting as an Executor-fiduciary for one of We-The-People = Executor-Michael-Howard-Reed. TM in an attempt for procurment of jurisdiction. Freedman Brothers Furniture v. Dept of Revenue, 109 Ill. 2d 202, 486 N.E. 2d 893 (1985).

14. Whereas David D. Hagler never responded for the affidavit Docket No. 25 in 4:09-cr-00076-DLH (omitted) in David Hagler response for motion for dismissal Docket No. 31, 4:09-cr-00076-DLH on 12-10-2009. Whereas now document 14, 25, 31, stand as controlling law by and through the administration procedure process, which have full faith and credit, of Congress, and the Constitution as final judgment for case no. 4:09-cr-00076-DLH.

15. On 12-21-2009, Docket No. 32, David D. Hagler did not respond for the Docket No. 14, Memorandum and Points of Authority For Motion For Review For

1 Release as affidavit and representation and warranty for conclusion for law; and
2 never responded with a written waiver for using the copyright; and Docket No.
3 32, reflects this and was considered notice of fault and complaining. Whereas
4 affidavit stands as law.
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6 16. On 12-30-2009, Docket No. 34, lodgement of "VOID" as affidavit and
7 conclusion of law and order. Whereas the Claimant-Executor-Michael-Howard-Reed.
8 TM was denied due process as for David D. Hagler never responded for the
9 affidavit, and served as default judgment. The VOID was never rebutted whereas
10 this was the second time the Executor was not afforded due process.

11 17. On 1-05-2010, Docket No. 37, Daniel L. Hoaland violated the Supreme Law of
12 the Land, and the Canons of Judicial Ethics, and the Constitution by coming into
13 the contract of Executor-Michael-Howard-Reed. TM and deeming it null and void,
14 whereinfor this creates a gross violation of due process and violating the
15 contract whereas Daniel L. Hoaland is just a hireling/employee judicial officer
16 of We-The-People and must adhere to the Constitution and guilt for overthrowing
17 and throwing off this form of government and became disqualified when he came in
18 as a third party intervenor and acted as an attorney from the bench by answering
19 the affidavit document No. 25 and created a private contract by violating the
20 rules of the court and all treaties, Constitution, Article 6 §2, and in document
21 25, affidavit in support of motion to dismiss.

22 18. On 1-22-2010, Executor-Michael-Howard-Reed. TM filed lodgement of bill quia
23 timet as affidavit, whereas Daniel L. Hoaland once again violated due process
24 and the acts of Congress, Treaty, Constitution, the Doctrine of declaratory
25 judgment. And We-The-People, and was a second VOID order.

26 19. Also on 1-22-2010, Executor-Michael-Howard-Reed. TM filed a lodgement of
27 VOID order on Docket Nos. 34, 43 on 1-5-2010, where as Judge Hoaland came in as
28 a private interloper once again and violated due process on the Executor-

1 Michael-Howard-Reed. TM one of We-The-People and among other nations which we
2 will leave for another day.

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4 20. On 1-22-2010, Executor-Michael-Howard-Reed. TM ICC vol. 203 filed notice of
5 declaratory judgment and forever barred and collateral estoppel by res judicata
6 nunc pro tunc, whereas judicial officer Daniel L. Hoaland once again violated
7 and committed a wrongdoing for this due process, and violation of Supreme Court
8 declaratory judgment. ICC vol. 203, see Senate Docket No. 444, and 13667 18A ICC
9 1964, which is controlling on the Courts In re Ramberg Estate (1940) 20 N.Y. S.
10 2d 619, 174, Misc., 306; and when ratified it became the Supreme Law of the Land
11 and the District Court has no power for questioning the rights of the nation or
12 tribe, with whom its made: the action of the treaty making power is conclusive;
13 Maiden v. Ingersoll (1859) 6 Mich. 367; Rivers v. Roadway Express, Inc., 511 U.S
14 298, 312; 114 S. Ct. 1510, 128 L. Ed. 2d 274 (1994).

15 21. On 1-25-2010, judicial officer of the Court Daniel L. Hoaland, once again
16 violated due process of the court by issuing an order in violation of the law
17 and violation of the Court, and rules of Court because it did not have a
18 Memorandum Points of Authorities and Conclusions of Law, and one cannot rule on
19 his own VOID and, violation of due process.

20 22. On 1-25-2010, see Docket No. 47, Daniel L. Hoaland judicial officer once
21 again committed a wrongdoing by way of fictitious VOID order for trial reset for
22 1-27-2010.

23 23. On 1-28-2010, see Docket No. 51, omitted, is VOID on its face, and is proof
24 of violation of due process doctrine.

25 24. On 2-5-2010, see Docket No. 55, judicial officer Charles S. Miller order is
26 another act of conspiracy against One-Of-We-The-People = Executor-Michael-
27 Howard-Reed. TM for throwing off and overthrowing the original form of
28 government.

25. On 2-11-2010, see Docket No. 56, preliminary order is VOID, and violation of guaranteed protected rights by and through the Constitution, Amendment II. 305 U.S. 165 Stoll v. Gottlieb.

26. On 4-08-2010, see Docket No. 60, omitted, was "VOID" on its face from Docket No. 56, whereas one cannot issue orders from a VOID and no jurisdiction, violation of guaranteed protected rights. 305 U.S. 165, Stoll v. Gottlieb.

27. On 4-23-2010, see Docket No. 65, judicial officer, Daniel L. Hovaland committed a wrongful act of issuing judgment knowing it was "VOID" ab initio, and violating due process and on 5-6-2010, see Docket No. 70 and 71, omitted, Executor-Michael-Howard-Reed. TM filed second notice of default of copyright and true bill and Docket No. 71, omitted, affidavit in support. Whereas of to date there has been no response for the affidavit, and is further due process violation.

"Void judgments are those rendered by a court which lacked jurisdiction, either of the subject matter or the parties," Wahl v. Round Valley Bank, 38 Ariz. 411, 300 P. 955 (1931); Tube City Mining & Milling Co. v. Otterson, 16 Ariz. 305, 146 P. 203 (1914); and Milliken v. Meyer, 311 U.S. 457, 61 S. Ct. 339, 85 L. Ed. 2d 278 (1940).

28. Pursuant to FRCP Rule 60(b)(4) the district court "may relieve a party or its legal representative from a final judgment, Order, or proceeding" if, inter alia, "the judgment is void." Fed. R. Civ. P. 60(b)(4). "Generally, a judgment is void under Rule 60(b)(4) if the court that rendered it lacked jurisdiction of the subject matter, or of the parties, or if it acted in a manner inconsistent with due process of law." Burke, 252 F. 3d at 1263.

"Federal courts are courts of limited jurisdiction. They possess only power authorized by Constitution and statute, which is not to be expanded by judicial decree. It is to be presumed that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction." Kokkenen v. Guardian life Ins. Co. of America, 511 U.S. 375 (1994).

"However late this objection has been made or may be made in any cause in an inferior or appellate court of the United States, it must be considered and decided before any court can move one further step in the cause, as any

movement is necessarily the exercise of jurisdiction. Jurisdiction is the power to hear and determine the subject matter in controversy between parties to a suit, to adjudicate or exercise any judicial power over them;" State of Rhode Island v. The State of Massachusetts, 37 U.S. 709, 718 (1838).

29. On 06-15-2010, see Docket No. 10, court proceedings held before Magistrate Judge Alice R. Senechal, hireling/employee/judicial officer of the court dishonored the Laws of the court acts of Congress, United States v. Lee, 106 U.S. 196, and the Supreme Law of the Land Supreme Court decision, "shall," "will," "must" follow rules of court and all acts of Congress, and the Constitution, "Rivers v. Roadway Express, Inc., 511 U.S. 298, 312, 114 S. Ct. 1510, 128 L. Ed. 2d 274 91994); Hewitt v. Helms, 459 U.S. 46 and 494 U.S. 221 (6); Melo v. United States, 505 F. 2d 1026; Rosemond v. Lambert, 469 F. 2d 416; as states as follows:

1. On 06-15-2010, Judge Alice R. Senechal became a trespasser of the court when Alice R. Senechal did not prove jurisdiction on the record and the judicial act, Basso v. Utah Power and Light, and lost jurisdiction and of this she/he is not the Judge, she has ceased to be a Judge. Bradley v. Fisher, 20 L. Ed. 646 (1872);

2. Transcript of digital audio recording of initial appearance and arraignment, omitted herein, Case No. 1:10-cr-00041-1; and 4:09-cr00076-DLH;

3. Wherein for all proceedings are **VOID** on their face, Valley v. Northern Fire & Marine Ins. Co., 254 U.S. 348 (1920) and this is even prior to reversal, Elliott v. Peirsol, 1 Pet. 328, 26 U.S. 340; Old Wayne Life Assoc. v. McDonough, 204 U.S. 8;

4. According to Long v. Shorebank Development Corp., 182 F. 3d 548, 561 (7th Cir. 1999) a void judgment [includes] judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment or order procured by fraud, can be attacked at any time, in any court, either directly or collaterally; whereinfor Thomas J. Wright used the office of the AUSA for cleaning up Daniel L. Hoaland and Lynn Jordheim and David D. Haggler's private contract, in Case No. 4:09-cr-00076-DLH-1-2 in the administrative process from the Acts of Congress, Title 5, Docket Nos. 14, 25, 31, and the fraud upon the court, and the violation of the copyright of Michael-Howard-Reed. TM and Declaration of Independence;

5. The indictment, filed on 6-08-2010, from its inception was a complete

1 nullity and without legal effect Holstein v. City of Chicago, 803 F. Supp.
2 205 (N.D. Ill. 1992) affirmed 29 F. 3d 1145 (7th Cir. 1994);

3 6. In Orner v. Shalala, 30 F. 3d 1307 (10th Cir. 1999) held that "when
4 the rule providing for relief from a VOID judgment is applicable, relief is
5 not discretionary, but mandatory" (emphasis added) Small v. Batista, 22 F.
6 Supp. 2d 230, 231 (SDNY 1998);

7 7. "Court must prove on the record all jurisdiction facts related to the
8 jurisdiction asserted" Lantana v. Hopper, 102 F. 2d 188; Chicago v. New
9 York, 37 F. Supp. 150, and can be challenged at any time; Basso v. Utah
10 Power and Light Co., 495 F. 2d 906, 910. And on 6-15-2010, Docket No. 10,
11 the court did not.

12 30. The Defendant therefore moves the court, in the face of this now
13 incontrovertible NEW EVIDENCE to DISMISS the action with prejudice for lack of a
14 true, granted subject-matter jurisdiction of the court over the action, that is
15 shown on the record of the action in the court.

16 "Lack of jurisdiction cannot be waived and jurisdiction cannot be conferred
17 upon a federal court by consent, inaction, or stipulation. 28 U.S.C.A.
18 §1332."

19 "Subject-matter jurisdiction, because it involves a court's power to hear a
20 case, can never be forfeited or waived. Consequently, defects in subject-
21 matter jurisdiction require correction regardless of whether the error was
22 raised in district court." United States v. Cotton, 535 U.S. 625, 630
23 (2002); Accord Jordon v. Gilligan, 500 F. 2d 701 (6th CA, 1974) ("[A] court
24 must vacate any judgment entered in excess of its jurisdiction."); State v.
25 Swiger, 125 Ohio. App. 3d 456. (1995) ("If the trial court was without
26 subject matter jurisdiction of defendant's case, his conviction and
27 sentence would be void ab initio."); Burrell v. Henderson, et al., 434 F.
28 3d 826, 831 (6th CA 2006) ("[D]enying a motion to vacate a void judgment is
a per se abuse of discretion.").

31. Pursuant to FRCP Rule 60(b)(3), a party may seek relief from a judgment,
order or proceeding, and the court may relieve a party from such (judgment,
order or proceeding), for "fraud (whether previously called intrinsic or
extrinsic), misrepresentation, or misconduct by an opposing party." Fed. R. Civ.
P. 60(b)(3). To obtain relief, the moving party must establish fraud,
misrepresentation, or misconduct by clear and convincing evidence, as well as
resulting prejudice. Sack, 2014 U.S. Dist. LEXIS at *59.

"A void judgment is one that has been procured by extrinsic or collateral fraud or entered by a court that did not have jurisdiction over the subject matter or the parties." Rook v. Rook, 233 Va. 92, 95, 353 S.E. 2d 756, 758 (1987)

"A court may not render a judgment which transcends the limits of its authority, and a judgment is void if it is beyond the powers granted to the court by the law of its organization, even where the court has jurisdiction over the parties and the subject matter. Thus, if a court is authorized by statute to entertain jurisdiction in a particular case only, and undertakes to exercise the jurisdiction conferred in a case to which the statute has no application, the judgment rendered is void. The lack of statutory authority to make particular order or a judgment is akin to lack of subject matter jurisdiction and is subject to collateral attack. 46 Am. Jur. 2d, Judgments §25, pp. 388-89.

"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court," Old Wayne Mut. L. Assoc. v. McDonough, 204 U.S. 8, 27 S. Ct. 236 (1907).

32. FRCP Rule 60(b) plainly states:

Rule 60. Relief from a Judgment or Order

(b) GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING.

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgement has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

(d) OTHER POWERS TO GRANT RELIEF.

This rule does not limit a court's power to:

- (1) entertain an independent action to relieve a party from a judgment, order, or proceeding;
- (2) grant relief under 28 U.S.C. §1655 to a defendant who was not personally notified of the action; or
- (3) set aside a judgment for fraud on the court.

33. Under these FRCP Rule 60 provisions, a judgment is a "void judgment" if the

1 court that rendered judgment lacked a proper or true jurisdiction over the
2 subject matter.

3 "Judgment is a 'void judgment' if court that rendered judgment lacked
4 jurisdiction of the subject matter, or of the parties, or acted in a manner
5 inconsistent with due process." Klugh v. U.S., D.C.S.C., 610 F. Supp. 892,
6 901.

7 "Once jurisdiction is challenged, the court cannot proceed when it clearly
8 appears that the court lacks jurisdiction, the court has no authority to
9 reach merits, but rather should dismiss the action." Melo v. U.S., 505 F.
10 2d 1026.

11 34. The subject-matter jurisdiction of the court must be fully identified and
12 established, and plainly and clearly declared on the record of the action, under
13 the Rules of Civil Procedure Rule 12(b)(1), based on the specific facts in the
14 action, as argued on the record in the pleadings of the Plaintiff.

15 It remains rudimentary law that "[a]s regards all courts of the United
16 States inferior to this tribunal, two things are necessary to create
17 jurisdiction, whether original or appellate. The Constitution must have
18 given to the court the capacity to take it, and an act of Congress must have
19 supplied it ... To the extent that such action is not taken, the power lies
20 dormant." The Mayor v. Cooper, 6 Wall. 247, 252, 18 L. Ed. 851 (1868);
21 accord, Christianson v. Colt Industries Operating Co., 486 U.S. 800, 818,
22 108 S. Ct. 2166, 2179, 100 L. Ed. 2d 811 (1988); Firestone Tire & Rubber
23 Co. v. Risjord, 449 U.S. 368, 379-380, 101 S. Ct. 669, 676-677, 66 L. Ed.
24 2d 571 (1981); Kline v. Burke Construction Co., 260 U.S. 226, 233-234, 43
25 S. Ct. 79, 82-83, 67 L. Ed. 226 (1922); Case of the Sewing Machine
26 Companies, 18 Wall. 553, 577-578, 586-587, 21 L. Ed. 914 (1874); Sheldon v.
27 Sill, 8 How. 441, 449, 12 L. Ed. 1147 (1850); Cary v. Curtis, 3 How. 236,
28 245, 11 L. Ed. 576 (1845); McIntire v. Wood, 7 Cranch 504, 506, 3 L. Ed.
420 (1813). Finley v. United States, 490 U.S. 545 (1989).

"Jurisdiction, once challenged, cannot be assumed and must be decided."
Maine v. Thiboutot, 100 S. Ct. 2502 (1980).

"It is well established that federal courts are courts of limited
jurisdiction, possessing only that power authorized by the Constitution and
statute." Hudson v. Coleman, 347 F. 3d 138, 141 (6th Cir. 2003)

"Federal courts are of limited jurisdiction, fixed by statute, and the
presumption is against jurisdiction throughout the case. Grace v. American
Central Ins. Co., 109 U.S. 278, 3 S. Ct. 207, 27 L. Ed. 932; Lehigh Mining
& Manufacturing Co. v. Kelly, 160 U.S. 327, 16 S. Ct. 307, 40 L. Ed. 444
... After an exhaustive review of the previous authorities, it was held
that the burden of proving the necessary jurisdictional facts rested upon
complainant throughout the case. As this burden had not been sustained, the
case was dismissed. To the same effect is KVOS, Inc., v. Associated Press,
299 U.S. 269, 57 S. Ct. 197, 81 L. Ed. 183.

The above cited decisions and authorities cited therein conclusively establish the rule that if the issue is presented in any way the burden of proving jurisdiction rests upon him who invokes it. Since plaintiff failed to sustain the burden of proving jurisdiction, there was nothing for the District Court to do but dismiss the cause" Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F. Supp. 150.

35. Plaintiff United States presented false arguments to the court that are so **erroneous** as to amount to nothing but an attempt to **perpetrate a blatant fraud** on both the Defendant and the court.

We think, however, that it can be reasoned that a decision produced by fraud on the court is not in essence a decision at all, and never becomes final." Kenner v. C.I.R., F. 2d 689, (7th CA, 1968)

36. And whereas the Plaintiff United States has **never** argued credibly or rationally in this case sufficient to establish any legitimate subject-matter jurisdiction of the district court to grant judgment under authority and does not exist in law **by the NEW EVIDENCE**.

"Lack of jurisdiction cannot be waived and jurisdiction cannot be conferred upon a federal court by consent, inaction, or stipulation. 28 U.S.C.A. §1332."

"There is no discretion to ignore lack of jurisdiction." Joyce v. U.S., 474 F. 2d 215 (1973)."

"Subject-matter jurisdiction, because it involves a court's power to hear a case, can never be forfeited or waived. Consequently, defects in subject-matter jurisdiction require correction regardless of whether the error was raised in district court." United States v. Cotton, 535 U.S. 625, 630 (2002); Accord Jordon v. Gilligan, 500 F. 2d 701 (6th CA, 1974) ("[A] court must vacate any judgment entered in excess of its jurisdiction."); State v. Swiger, 125 Ohio. App. 3d 456. (1995) ("If the trial court was without subject matter jurisdiction of defendant's case, his conviction and sentence would be void ab initio."); Burrell v. Henderson, et al., 434 F. 3d 826, 831 (6th CA 2006) ("[D]enying a motion to vacate a void judgment is a per se abuse of discretion.")

37. Neither the Plaintiff United States, nor the district court itself, have ever properly identified or established on the record of the action in the court, the true or proper subject-matter jurisdiction of the court under Article I that has been, or can be taken over this criminal action, sufficient to grant judgment for the Plaintiff United States, or to sustain the action in this

1 federal district court any longer, as has unlawfully and unconstitutionally been
2 done by the court ultra vires to date.

3 38. The court **cannot** lawfully create, or invent for itself, a subject-matter
4 jurisdiction where none is fully and properly created and granted, or exists,
5 under the Constitution of the United States of America.

6 39. Defendant therefore seeks relief from this court under Fed. R. Civ. P.
7 Rules 12(b)(9), 60(b)(3), 60(b)(4), 60(b)(6) and 60(d)(3), and moves it to
8 **DISMISS** the criminal action from the court, **in its entirety, with prejudice**, for
9 lack of any subject-matter jurisdiction of the district court that ever existed
10 over it as plead by the Plaintiff, or that was lawfully taken under the
11 Constitution, alone, as alleged by the erroneous court.

12 "In a long and venerable line of cases, the Supreme Court has held that,
13 without proper jurisdiction, a court cannot proceed at all, but can only
14 note the jurisdictional defect and dismiss the suit. See, e.g., Capron v.
15 Van Noorden, 2 Cranch 126; Arizonans for Official English v. Arizona, 520
16 U.S. 43 (1997), 117 S. Ct. 1055, 137 L. Ed. 2d 170. Bell v. Hood, supra;
17 National Railroad Passenger Corp. v. National Assn. of Railroad Passengers,
18 414 U.S. 453, 465, n. 13; Norton v. Mathews, 427 U.S. 524, 531; Secretary
19 of Navy v. Avrech, 418 U.S. 676, 678 (per curiam); United States v.
20 Augenblick, 393 U.S. 348; Philbrook v. Glodgett, 421 U.S. 707, 721; and
21 Chandler v. Judicial Council of Tenth Circuit, 398 U.S. 74, 86-88,
22 distinguished. For a court to pronounce upon a law's meaning or
23 constitutionality when it has no jurisdiction to do so is, by very
24 definition, an ultra vires act." Pp. 8-17.

25 "Where there is no jurisdiction over the subject matter, there is, as well,
26 no discretion to ignore that lack of jurisdiction. See F. R. Civ. P.
27 12(h)(3), supra note 1." Joyce v. U.S., 474 F. 2d 215.

28 40. Defendant therefore hereby moves this court to immediately **DISMISS with**
prejudice the entire criminal action from this court, as the court has no
subject-matter jurisdiction to enforce a **VOID** judgment, and pursuant to the
Federal Rules of Civil Procedure cited. Rule 60(b)(4), the district court "may
relieve a party or its legal representative from a final judgment, Order, or
proceeding" if, inter alia, **"the judgment is void."** Fed. R. Civ. P. 60(b)(4).
"Generally, a judgment is void under Rule 60(b)(4) if the court that rendered

1 it lacked jurisdiction of the subject matter, or of the parties, or if it acted
2 in a manner inconsistent with due process of law." Burke, 252 F. 3d at 1263.

3 Void judgments are those rendered by a court which lacked jurisdiction,
4 either of the subject matter or the parties. See: Wahl v. Round Valley
5 Bank 38 Ariz, 411, 300 P. 955 (1931); Tube City Mining & Milling Co. v.
6 Otterson, 16 Ariz. 305, 146 P. 203 (1914); and Millken v. Meyer, 311 U.S.
7 457, 61 S. Ct. 339, 85 L. Ed. 2d 278 (1940).

8 "The law is well-settled that a void order or judgment is void even before
9 reversal," Valley v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.
10 Ct. 116 (1920).

11 "A judgment is void if the court acted in a manner inconsistent with due
12 process. A void judgment is a nullity and may be vacated at any time." 261
13 Kan. at 862.

14 A judgment obtained without jurisdiction over the defendant is void.
15 Overby v. Overby, 457 S. W. 2d 851 (Tenn. 1970).

16 We think, however, that it can be reasoned that a decision produced by
17 fraud on the court is not in essence a decision at all, and never becomes
18 final." Kenner v. C.I.R., 387 F. 2d 689, (7th CA, 1968).

19 "Denying a motion to vacate a void judgment is a per se abuse of
20 discretion." Burrell v. Henderson, et. al., 434 F. 3d 826, 831 (6th CA
21 2006)

22 In re Marriage of Hampshire, 261 Kan. 854, 862, 934 P. 2d 58 (1997). "a
23 judgment is void if the court acted in a manner inconsistent with due
24 process. A void judgment is a nullity and may be vacated at any time." 261
25 Kan. at 862.

26 CONCLUSION

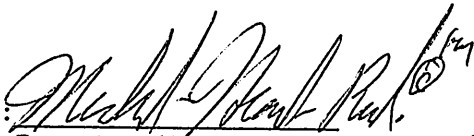
27 Whereinfor, everything stated above all cases, judges, attorneys, court
28 clerks, et/al has committed wrongdoing and violated the Supreme Law of the Land
is **VOID ON ITS FACE**, and all sentencing orders, judgments, statement of
reasons, for all cases are **VOID** on its face and is like looking at a blank
piece of paper, and shall, will, must, release Executor-Michael-Howard-Reed. TM
from prison by exigent of a writ and give notice to the Federal Marshal and the
B.O.P. for release and notify the probation department that probation is null
and **VOID** and if you fail for acting this will become the writ of release and
expungment of all cases listed above; and must restore Defendant whole, within

30 days.

This is under the penalties of perjury by and through 28 §1746.
So stated, affirmed and sworn, under the penalty of perjury under the laws of
the United States of America.

Dated January 26th, 2018.

Respectfully,

By: 
Executor-Michael-Howard-ReedTM
without prejudice UDC 1-207

FROM: Executor-Michael-Howard-Reed.*TM.
c/o P.O. Box. [33]
Reed. Terra-Haute.
Reed. Indiana.
United States minor outlying island.
near [47808-9998]

TO: U.S. Court House
Court Clerk
220 E Rosser Ave
Room 476
Blair, ND 58501

January 5, 2015

Dear Clerk:

Please file this Notice of Dishonor and Affidavit Notice of Fraud Upon the Court and Void nunc-pro-tunc Ab-initio by Res Judicata in the case docket of Article III case nos. 4:09-cr-00076-DLH-CBK-1-2, 3:10-cv-00030-RRE-CBK, 1:10-cr-00041-DLH-CBK-1-2, this is evidence if this presenter claims I have obligations to perform or makes any more false claims against me in the future, a copy of this has been sent with the original Refusal for Dishonor and Void back to the presenter in a timely fashion see Certificate of Service;

USPS Delivery Confirmation # 9114 901189866974019553

01-05-2015

Respectfully

By *Executor Michael Howard Reed*
UCC 1-207

cc:

bcc:

Exhibit
1

UNITED STATES DISTRICT COURT
for the DISTRICT OF NORTH DAKOTA
Southwestern Division

United States of America,
Plaintiff,

vs.

MICHAEL HOWARD REED,
GREGORY ALLEN DAVIS,
Defendant.

Case # 4:09-cr-00076-DLH-1-2
3:10-cv-00030-RRE-CBK
1:10-cr-00041-DLH-CBK-1-2

NOTICE OF DISHONOR AND AFFIDAVIT
NOTICE OF FRAUD UPON THE COURT
AND VOID NUNC-PRO-TUNC
AB INITIO BY RES JUDICATA

NOTICE OF DISHONOR

ALL PRESENTMENTS INCLUDING BUT NOT LIMITED TO THOSE IN THE FORM OF "ARREST WARRANTS", "SEARCH WARRANTS" AND "NOTICES TO APPEAR" BEARING THE NAME OF MICHAEL HOWARD REED AS IDENTIFIED THEREON AS A "DEFENDANT" IN THE ABOVE-REFERENCED MATTERS, HAVE BEEN DISHONORED EFFECTIVE THE TIME AND DATE OF PRESENTMENT, AND ACCEPTANCE HAS BEEN REFUSED BY MICHAEL HOWARD REED BACK TO SAID TIME[S] AND DATE[S].

ACCEPTANCE HAS BEEN REFUSED FOR ALL REASONS CONSISTENT WITH DISHONOR, WHETHER STATED HEREIN OR NOT, AND INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

1. THE PLAINTIFF IN SAID PRESENTMENTS IS PROCEEDING AS A MERCHANT UNDER THE UNIFORM COMMERCIAL CODE["U.C.C."] IN VIOLATION OF THE SUPREME PUBLIC POLICY - THE PREAMBLE TO THE CONSTITUTION FOR THE UNITED STATES OF AMERICA[1787];
2. U.C.C. SECTION 10-103 IS INVALID IN THESE MATTERS;
3. THE "CHARGES" PRESENTED BY SAID PRESENTMENTS ARE FOR MERCHANTS PENAL DAMAGES ONLY, TO WHICH MICHAEL HOWARD REED, GREGORY ALLEN DAVIS ARE NOT SUBJECT, THUS THEY ARE NOT COLORABLE; EACH MERCHANT IN THIS MATTER IS A NUISANCE AND IS BOTH CULPABLE AND ACTIONABLE AS A NUISANCE;
4. IT IS AN IRREFUTABLE MATERIAL FACT THAT EACH JUDGE AND PROSECUTOR PARTICIPATED IN THESE MATTERS AS MERCHANTS IN TRANSACTION PER U.C.C. SECTION 2-104(1)(3) FRAUDULENTLY MISLEADING MICHAEL

Page 1 of 16

Case 4:09-cr-00076-DLH Document 95 Filed 01/12/15 Page 3 of 23

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

United States of America,
Plaintiff,

vs.

MICHAEL HOWARD REED,
GREGORY ALLEN DAVIS,
Defendant.

Case Nos. 10-2010

10-2704

10-3266

10-1462

NOTICE OF DISHONOR AND AFFIDAVIT
NOTICE OF FRAUD UPON THE COURT
AND VOID NUNC-PRO-TUNC
AB INITIO BY RES JUDICATA

NOTICE OF DISHONOR

ALL PRESENTMENTS INCLUDING BUT NOT LIMITED TO THOSE IN THE FORM OF "ARREST WARRANTS", "SEARCH WARRANTS" AND "NOTICES TO APPEAR" BEARING THE NAME OF MICHAEL HOWARD REED AS IDENTIFIED THEREON AS A "DEFENDANT" IN THE ABOVE-REFERENCED MATTERS, HAVE BEEN DISHONORED EFFECTIVE THE TIME AND DATE OF PRESENTMENT, AND ACCEPTANCE HAS BEEN REFUSED BY MICHAEL HOWARD REED BACK TO SAID TIME[S] AND DATE[S].

ACCEPTANCE HAS BEEN REFUSED FOR ALL REASONS CONSISTENT WITH DISHONOR, WHETHER STATED HEREIN OR NOT, AND INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

1. THE PLAINTIFF IN SAID PRESENTMENTS IS PROCEEDING AS A MERCHANT UNDER THE UNIFORM COMMERCIAL CODE["U.C.C."] IN VIOLATION OF THE SUPREME PUBLIC POLICY - THE PREAMBLE TO THE CONSTITUTION FOR THE UNITED STATES OF AMERICA[1787];
2. U.C.C. SECTION 10-103 IS INVALID IN THESE MATTERS;
3. THE "CHARGES" PRESENTED BY SAID PRESENTMENTS ARE FOR MERCHANTS PENAL DAMAGES ONLY, TO WHICH MICHAEL HOWARD REED, GREGORY ALLEN DAVIS ARE NOT SUBJECT, THUS THEY ARE NOT COLORABLE; EACH MERCHANT IN THIS MATTER IS A NUISANCE AND IS BOTH CULPABLE AND ACTIONABLE AS A NUISANCE;
4. IT IS AN IRREFUTABLE MATERIAL FACT THAT EACH JUDGE AND PROSECUTOR PARTICIPATED IN THESE MATTERS AS MERCHANTS IN TRANSACTION PER U.C.C. SECTION 2-104(1)(3) FRAUDULENTLY MISLEADING MICHAEL

Page 1 of 16

Case 4:09-cr-00076-DLH Document 95 Filed 01/12/15 Page 4 of 23

HOWARD REED, GREGORY ALLEN DAVIS AND DENYING THEM REMEDY OF DISCHARGE OF LIABILITY U.C.C. SECTION 3-601(3) DUE FOR THEIR FRAUDULENT MISREPRESENTATION OF MATERIAL FACT, THEREIN CONCEDEING TO U.C.C. SECTION 2-271; MICHAEL HOWARD REED, GREGORY ALLEN DAVIS NEVER ENTERED INTO COMMERCIAL UNDERSTANDING NOR CONTRACT WITH SAID MERCHANTS;

5. THE TRUE NATURE, FUNCTION AND EFFECT OF THE CAUSE AND PRESENTMENT WERE FRAUDULENTLY CONCEALED FROM MICHAEL HOWARD REED, GREGORY ALLEN DAVIS, PREVENTING THEM DULY DISHONOR AND DISCHARGE OF LIABILITY U.C.C. 3-601;
6. IGNORANCE IS NOT ACCEPTANCE, AQUIESCENCE NOR RATIFICATION, AND ACCEPTANCE OF SAID PRESENTMENTS WAS NEVER GIVEN BY MICHAEL HOWARD REED, GREGORY ALLEN DAVIS, AS EVIDENCED BY THIS NOTICE CLARIFYING THE RECORD OF REFUSAL, ab initio OF ACCEPTANCE OF SAID PRESENTMENTS;
7. MICHAEL HOWARD REED, GREGORY ALLEN DAVIS ARE NOT MERCHANTS, AND ARE NOT ATTRIBUTABLE UNDER U.C.C. SECTION 2-104(1), AND SUCH CLAUSE OF ATTRIBUTION IS INVALID IN THESE MATTERS;
8. MICHAEL HOWARD REED, GREGORY ALLEN DAVIS ARE NOT SUBJECT TO ENTRUSTING UNDER U.C.C. SECTION 2-403(2),(3);
9. MICHAEL HOWARD REED, GREGORY ALLEN DAVIS NEVER ADMITTED ANY MERCHANT'S CAPACITY FOR ENDORSING;
10. MICHAEL HOWARD REED, GREGORY ALLEN DAVIS ARE ENTITLED AS AN HEIR/SETTLOR/CREATOR FOR A GOVERNMENT NOT IN THE FORM/CAPACITY OF MERCHANT IN THESE MATTERS, WHICH ENTITLEMENT IS DENIED UNDER SAID PRESENTMENT;
11. SAID PRESENTMENTS AND PROCEEDINGS THEREUNDER CONSTITUTE UNLAWFUL CREATION OF ACCOUNT/PROCEEDS - U.C.C. SECTION 9-106; 9-206 AND 9-306, THUS EACH SUCH ACCOUNT/PROCEEDS PREJUDICE MICHAEL HOWARD REED, GREGORY ALLEN DAVIS AND IS REVOKED AND REPUDIATED (RECINDED) ab initio;
12. BY ITS ELECTION OF PRESENTMENT UNDER U.C.C., THE PLAINTIFF IS ESTOPPED FROM IMPAIRMENT OF DISCHARGE OF LIABILITY AND MICHAEL HOWARD REED, GREGORY ALLEN DAVIS ARE ENTITLED FOR DISCHARGE OF ALL LIABILITY UNDER U.C.C. 3-601; THIS, GUARANTEED THEM BY THE NINTH AMENDMENT FOR THE CONSTITUTION FOR THE UNITED STATES OF AMERICA AND THE "PLAINTIFF" HAS ASSENTED TO, IS IN ACCORD WITH, AND ADMITS MICHAEL HOWARD REED, GREGORY ALLEN DAVIS' RIGHT/REMEDY OF SATISFACTION BY DISCHARGE OF LIABILITY AS DEMONSTRATED IN PART BY "PLAINTIFF'S" CHOICE OF COMMERCIAL TRIBUNAL CONTRADISTINGUISHED FROM COURT OF JUSTICE;

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13. MICHAEL HOWARD REED, GREGORY ALLEN DAVIS" UNLIMITED INTERESTS AND AFFIRMATIVE DEFENSES, EACH OF WHICH MICHAEL HOWARD REED, GREGORY ALLEN DAVIS ASSERT AND CLAIM BY: THIS REFERENCE THERETO, FORM NOT WITHSTANDING, REQUIRE THEIR IMMEDIATE RELEASE FROM THESE FICTIONAL OBLIGATIONS, WITHOUT PREJUDICE, IN THE BEST INTERESTS OF JUSTICE.

County of Reed. VIGO

State of Reed. INDIANA

ss Affidavit NOTICE of Fraud
Upon the Court and Void
Nunc-pro-tunc ab initio
by res judicata

Affidavit- NOTICE of Fraud Upon the Court and Void
Nunc-pro-tunc-ab-initio-by res judicata

INTRODUCTION

GREETINGS AND SALUTATIONS FOR YOU AND EACH OF YOU THIS NOTICE OF DISHONOR-PRESENTS-BY-AFFIDAVIT-OF-FRAUD-UPON-THE-COURT-VOID-COUNTER-CLAIM, MEMORANDUM-POINTS-OF-AUTHORITIES- AND - CONCLUSIONS-OF-LAW-BY-RES-JUDICATA-NUNC-PRO-TUNC, AB-INITIO; WHERE-INFOUR THIS COMES IN HONOR-SUPER-PROTEST-FOR-DISHONOR; AND-THIS CURES ALL THE DEFECTS ALONG THE WAY; FOR THE FRAUDULENT - WRONG - DOING-FROM-ALL-EMPLOYEES-HIRELINGS-OF-WE-THE-PEOPLE; THIS WILL SERVE AS THE ABSTRACT FOR VOID AND RES JUDICATA, NUNC PRO TUNC; AND STATES AS FOLLOWS

1. WHO IS AN "OFFICER OF THE COURT"?
2. WHAT IS "FRAUD ON THE COURT"?
3. WHAT EFFECT DOES AN ACT OF "FRAUD UPON THE COURT" HAVE UPON THE COURT PROCEEDING?
4. WHAT CAUSES THE "DISQUALIFICATION OF JUDGES"?

1. WHO IS AN "OFFICER OF THE COURT"?

A JUDGE IS AN OFFICER OF THE COURT, AS WELL AS ARE ALL ATTORNEYS. A STATE JUDGE IS A STATE JUDICIAL OFFICER PAID BY THE STATE TO ACT IMPARTIALLY AND LAWFULLY. A FEDERAL JUDGE IS A FEDERAL JUDICIAL OFFICER, PAID BY THE FEDERAL GOVERNMENT TO ACT IMPARTIALLY AND LAWFULLY. STATE AND FEDERAL ATTORNEYS FALL INTO THE SAME GENERAL CATEGORY AND MUST MEET THE SAME REQUIREMENTS. A JUDGE IS NOT THE COURT. PEOPLE v. ZAJIC, 88 Ill.App.3d 477, 410 N.E.2d 626(1980), AND

2. WHAT IS "FRAUD ON THE COURT"?

WHENEVER ANY OFFICER OF THE COURT COMMITS FRAUD DURING A PROCEEDING IN THE COURT, HE/SHE IS ENGAGED IN "FRAUD UPON THE COURT". IN BULLOCH v. UNITED STATES, 763 F.2d 1115, 1121 (10th Cir. 1985), THE COURT STATED "FRAUD UPON THE COURT IS FRAUD WHICH

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IS DIRECTED TO THE JUDICIAL MACHINERY ITSELF AND IS NOT FRAUD BETWEEN THE PARTIES OR FRAUDULENT DOCUMENTS. FALSE STATEMENTS OR PERJURY. ...IT IS WHERE THE COURT OR A MEMBER IS CORRUPTED OR INFLUENCED OR INFLUENCE IS ATTEMPTED OR WHERE THE JUDGE HAS NOT PERFORMED HIS JUDICIAL FUNCTION - THUS WHERE THE IMPARTIAL FUNCTIONS OF THE COURT HAVE BEEN DIRECTLY CORRUPTED".

"FRAUD UPON THE COURT" HAS BEEN DEFINED BY THE 7TH CIRCUIT COURT OF APPEALS TO "EMBRACE THAT SPECIES OF FRAUD WHICH DOES, OR ATTEMPTS TO, DEFILE THE COURT ITSELF, OR IS FRAUD PERPETRATED BY OFFICERS OF THE COURT SO THAT THE JUDICIAL MACHINERY CAN NOT PERFORM IN THE USUAL MANNER ITS IMPARTIAL TASK OF ADJUDICATING CASES THAT ARE PRESENTED FOR ADJUDICATION". KENNER v. C.I.R., 387 F.3d 689(7th Cir. 1988); 7 MOORE'S FEDERAL PRACTICE, 2d ed., p.512, ¶60.23. THE 7TH CIRCUIT FURTHER STATED "A DECISION PRODUCED BY FRAUD UPON THE COURT IS NOT IN ESSENCE A DECISION AT ALL, AND NEVER BECOMES FINAL".

3. WHAT EFFECT DOES AN ACT OF "FRAUD UPON THE COURT" HAVE UPON THE COURT PROCEEDING?

"FRAUD UPON THE COURT" MAKES VOID THE ORDERS AND JUDGMENTS OF THAT COURT. IT IS ALSO CLEAR AND WELL-SETTLED ILLINOIS LAW THAT ANY ATTEMPT TO COMMIT "FRAUD UPON THE COURT" VIOLATES THE ENTIRE PROCEEDING. THE PEOPLE OF THE STATE OF ILLINOIS v. FRED E. STERLING, 357 Ill. 354; 192 N.E. 229(1934)("THE MAXIM THAT FRAUD VIOLATES EVERY TRANSACTION INTO WHICH IT ENTERS APPLIES TO JUDGMENTS AS WELL AS TO CONTRACTS AND OTHER TRANSACTIONS."); ALLEN F. MOORE v. STANLEY F. SIEVERS, 336 Ill. 316; 168 N.E. 259 (1929)("THE MAXIM THAT FRAUD VIOLATES EVERY TRANSACTION INTO WHICH IT ENTERS..."); IN RE VILLAGE OF WILLOWBROOK, 37 Ill.App.2d 393 (1962)("IT IS AXIOMATIC THAT FRAUD VIOLATES EVERYTHING."); DUNHAM v. DUNHAM, 57 Ill.App. 475(1894), AFFIRMED 162 Ill. 589(1896); SKELLY OIL CO. v. UNIVERSAL OIL PRODUCTS CO., 388 Ill.App. 79, 86 N.E.2d 875, 883-4(1949); THOMAS STASSEL v. THE AMERICAN HOME SECURITY CORPORATION, 362 Ill. 350; 199 N.E. 798(1935).

UNDER ILLINOIS AND FEDERAL LAW, WHEN ANY OFFICER OF THE COURT HAS COMMITTED "FRAUD UPON THE COURT," ORDERS AND JUDGMENTS OF THAT COURT ARE VOID, OF NO LEGAL FORCE OR EFFECT.

4. WHAT CAUSES THE "DISQUALIFICATION OF JUDGES"?

FEDERAL LAW REQUIRES THE AUTOMATIC DISQUALIFICATION OF A FEDERAL JUDGE UNDER CERTAIN CIRCUMSTANCES.

IN 1994, THE U.S. SUPREME COURT HELD THAT "DISQUALIFICATION IS REQUIRED IF AN OBJECTIVE OBSERVER WOULD ENTERTAIN REASONABLE QUESTIONS ABOUT THE JUDGE'S IMPARTIALITY. IF A JUDGE'S ATTITUDE OR STATE OF MIND LEADS A DETACHED OBSERVER TO CONCLUDE THAT A FAIR AND IMPARTIAL HEARING IS UNLIKELY, THE JUDGE MUST BE DISQUALIFIED". [EMPHASIS ADDED]. LITKEY v. U.S., 114 S.Ct. 1147, 1162(1994).

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COURTS HAVE REPEATEDLY HELD THAT POSITIVE PROOF OF A JUDGE IS NOT A REQUIREMENT, ONLY THE APPEARANCE OF PARTIALITY. WUJEBERG v. HEALTH SERVICES ACQUISITION CORP., 486 US 847, 108 S.Ct. 2194(1988)(WHY ATTORNEYS IS NOT THE REALITY OF BIAS OR PREJUDICE BUT ITS APPEARANCE); UNITED STATES v. BALISTRERI, 779 F.2d 1191 (7th Cir. 1985)(THIS IS DIRECTED AGAINST THE APPEARANCE OF PARTIALITY, WHETHER OR NOT THE JUDGE IS ACTUALLY BIASED". (SECTION 455(a) OF THE JUDICIAL CODE, 28 U.S.C. §455(a), IS NOT INTENDED TO PROTECT LITIGANTS FROM ACTUAL BIAS IN THEIR JUDGE BUT RATHER TO PROMOTE PUBLIC CONFIDENCE IN THE IMPARTIALITY OF THE JUDICIAL PROCESS)).

THAT COURT ALSO STATED THAT SECTION 455(a) "REQUIRES A JUDGE TO RECUSE HIMSELF IN ANY PROCEEDING IN WHICH HER IMPARTIALITY MIGHT REASONABLY BE QUESTIONED". TAYLOR v. O'GRADY, 888 F.2d 1189(7th Cir. 1989). IN PFIZER, INC. v. LORD, 456 F.2d 532 (8th Cir. 1972); THE COURT STATED THAT "IT IS IMPORTANT THAT THE LITIGANT NOT ONLY ACTUALLY RECEIVE JUSTICE, BUT THAT HE BELIEVES THAT HE HAS RECEIVED JUSTICE".

THE SUPREME COURT HAS RULED AND HAS REAFFIRMED THE PRINCIPLE THAT "JUSTICE MUST SATISFY THE APPEARANCE OF JUSTICE." LEVINE v. UNITED STATES, 362 US 610, 80 S.Ct. 1038(1960). CITE OFFUTT v. UNITED STATES, 348 US 11, 14, 75 S.Ct. 11, 13(1954). A JUDGE RECEIVING A BRIBE FROM AN INTERESTED PARTY OVER WHICH HE IS PRESIDING, DOES NOT GIVE THE APPEARANCE OF JUSTICE.

"RECUSAL UNDER SECTION 455 IS SELF-EXECUTING; A PARTY NEED NOT FILE AFFIDAVITS IN SUPPORT OF RECUSAL AND THE JUDGE IS OBLIGATED TO RECUSE HIMSELF SUA SPONTE UNDER THE STATED CIRCUMSTANCES". TAYLOR v. O'GRADY, 888 F.2d 1189(7th Cir. 1989).

FURTHER, THE JUDGE HAS A LEGAL DUTY TO DISQUALIFY HIMSELF EVEN IF THERE IS NO MOTION ASKING FOR HIS DISQUALIFICATION. THE SEVENTH CIRCUIT COURT OF APPEALS FURTHER STATED THAT "WE THINK THAT THIS LANGUAGE[455(a)]IMPOSES A DUTY ON THE JUDGE TO ACT SUA SPONTE, EVEN IF NO MOTION OR AFFIDAVIT IS FILED". BALISTRERI, AT 1202.

JUDGES DO NOT HAVE DISCRETION NOT TO DISQUALIFY THEMSELVES. BY LAW, THEY ARE BOUND TO FOLLOW THE LAW. SHOULD A JUDGE NOT DISQUALIFY HIMSELF AS REQUIRED BY LAW, THEN THE JUDGE HAS GIVEN ANOTHER EXAMPLE OF HIS "APPEARANCE OF PARTIALITY" WHICH, HAS EVINCED AN "APPEARANCE OF PARTIALITY" AND HAS POSSIBLY DISQUALIFIED HIMSELF/HERSELF. NONE OF THE ORDERS BY ANY JUDGE WHO HAS BEEN DISQUALIFIED BY LAW WOULD APPEAR TO BE VALID. IT WOULD APPEAR TO BE VALID. IT WOULD APPEAR THAT THEY ARE VOID AS A MATTER OF LAW, AND ARE OF NO LEGAL FORCE OR EFFECT.

SHOULD A JUDGE ISSUE NOT DISQUALIFY HIMSELF, THEN THE JUDGE VIOLATION OF THE DUE PROCESS CLAUSE OF THE U.S. CONSTITUTION. UNITED STATES v. SCIUTO, 521 F.2d 842, 845(7th Cir. 1996) (THE RIGHT TO A TRIBUNAL FREE FROM BIAS OR PREJUDICE IS BASED, NOT ON SECTION 144, BUT ON THE DUE PROCESS CLAUSE.)

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SHOULD A JUDGE ISSUE ANY ORDER AFTER HE HAS BEEN DISQUALIFIED BY LAW, AND IF THE PARTY HAS BEEN DENIED OF ANY OF HIS/HER PROPERTY, THEN THE JUDGE MAY HAVE BEEN ENGAGED "IN THE FEDERAL CRIME OF "INTERFERENCE WITH INTERSTATE COMMERCE". THE JUDGE HAS ACTED IN THE JUDGE'S PERSONAL CAPACITY AND NOT IN THE JUDGE'S JUDICIAL CAPACITY. IT HAS BEEN SAID THAT THIS JUDGE, ACTING IN THIS MANNER, HAS NO MORE LAWFUL AUTHORITY THAN SOMEONE'S NEXT-DOOR NEIGHBOR (PROVIDED THAT HE IS NOT A JUDGE). HOWEVER SOME JUDGES MAY NOT FOLLOW THE LAW.

IF YOU WERE A NON-REPRESENTED LITIGANT, AND SHOULD THE COURT NOT FOLLOW THE LAW AS TO NON-REPRESENTED LITIGANTS, THEN THE JUDGE HAS EXPRESSED AN "APPEARANCE OF PARTIALITY" AND, UNDER THE LAW, IT WOULD SEEM THAT HE/SHE HAS DISQUALIFIED HIM/HERSELF. HOWEVER, SINCE NOT ALL JUDGES KEEP UP TO DATE IN THE LAW, AND SINCE NOT ALL JUDGES FOLLOW THE LAW, IT IS POSSIBLE THAT A DISQUALIFICATION IS REQUIRED" AND THAT A JUDGE "MUST BE DISQUALIFIED" UNDER CERTAIN CIRCUMSTANCES.

THE SUPREME COURT HAS ALSO HELD THAT IF A JUDGE WARS AGAINST THE CONSTITUTION, OR IF HE ACTS WITHOUT JURISDICTION, HE HAS ENGAGED IN TREASON TO THE CONSTITUTION. IF A JUDGE ACTS AFTER HE HAS BEEN AUTOMATICALLY DISQUALIFIED BY LAW, THEN HE IS ACTING WITHOUT JURISDICTION, AND THAT SUGGEST THAT HE IS THEN ENGAGING IN CRIMINAL ACTS OF TREASON, AND MAY BE ENGAGED IN EXTORTION AND THE INTERFERENCE WITH INTERSTATE COMMERCE.

COURTS HAVE REPEATEDLY RULED THAT JUDGES HAVE NO IMMUNITY FOR THEIR CRIMINAL ACTS. SINCE BOTH TREASON AND THE INTERFERENCE WITH INTERSTATE COMMERCE ARE CRIMINAL ACTS, NO JUDGE HAS IMMUNITY TO ENGAGE IN SUCH ACTS; AND

INCLUDED BUT NOT LIMITED FOR ALL THE FOLLOWING CASES 4:09-cr-00076-DLH-1 and 1:10-cr-00041-CBR-1-2 and 3:10-cv-00030-RE-CBK AND APPEALS CASES #10-2010, 10-2709, 10-3266, 11-1462 AND STATES AS FOLLOWS

DISHONOR/COUNT/CLAIM/VOID

1. ON 9-24-2009, LYNN C. JORDHEIM CAUSED DISHONOR BY FILING THE FICTITIOUS/FRAUDULENT INDICTMENT CASE NO. 4:09-cr-00076-DLH WITHOUT GRAND JURY CONCURRENCE, OR VOTING BY BALLOT WITH TWELVE(12) GRAND JURORS CONCURRING FOR INDICTMENT, VIOLATION OF RULE 6; AND THE ACTS OF CONGRESS AND THE CONSTITUTION, AND WAS A "STAR CHAMBER PROCEEDING". SEE EXHIBIT (1).

DISHONOR/COUNT/CLAIM/VOID

2. ON 9-24-2009, LYNN C. JORDHEIM REQUEST FOR WARRANT UPON FILING OF FRAUDULENT INDICTMENT WHEREAS IT IS VOID, ON ITS FACE, [106 F.2D 327] GARTHER v. UNITED STATES, 413 F.2D 1061.

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DISHONOR/COUNT/CLAIM/VOID

3. ON 9-25-2009, CLARK COUNTY, NEVADA RECEIVED A VOID ARREST WARRANT IN VIOLATION AND DISHONOR FOR FED.R.CR.P., RULE 4(b)(1) AND RULE 9(b) SEE EXHIBIT 2, NO JUDGE SIGNATURE BY AND THROUGH SUPREME LAW, COURT RULES, ACTS OF CONGRESS AND THE CONSTITUTION, WHEREINFOR CASE 4:09-cr-00076-DLH and 2:09-mj-00808-GWF-GWF-1 IS VOID ON ITS FACE, SEE EXHIBIT (1)(3).

DISHONOR/COUNT/CLAIM/VOID

4. ON 10-21-2009, CASE NO. 2:09-mj-00808-GWF-GWF-1, GEORGE FOLEY, JR. SIGNED THE ORDER OF DETENTION, COMMITMENT TO ANOTHER DISTRICT, WAS A WRONGFUL ACT, IN VIOLATION OF RULE 4, 9, OF THE FED.R.CR.P., AND WAS A FRAUDULENT WARRANT ISSUED FROM THE COURT CLERK, RENEE SUHL, DEPUTY CLERK, FOR NORTH DAKOTA, WHEREAS BY AND THROUGH FEDERAL MAGISTRATE ACT, THEY CANNOT SIT ON A CRIMINAL CASE BECAUSE OF ENTRAPMENT BY ESTOPPEL OF INFERIOR COURT, TITLE 28 IS ONLY A CONGRESSIONAL COURT, NOT OF WE-THE-PEOPLE. SEE BRADLEY V. FISHER, 20 LED 646(1872); CHISHOLM V. GEORGIA, 2 DALLAS 471; 10 PETERS 474, PEDALFORD V. SAVANNAH, 14 GA 438 PEOPLE ARE NOT UNDER THE CONSTITUTION, OR THE ACTS OF CONGRESS, ESTOPPEL BY ENTRAPMENT: PRICE V. UNITED STATES, 56 F.2D 135(7TH CIR. FEB 1932).

DISHONOR/COUNT/CLAIM/VOID

5. WHEREINFOR DAVID D. HAGLER ACTED IN CONSPIRACY WITH LYNN C. JORDHEIM FOR CONTINUING THE FRAUD AND WRONGDOING, IN VIOLATION OF TITLE 18 SECTION 1001, AND VIOLATING THE SUPREME LAW OF THE LAND, ACTS OF CONGRESS, STATUTORY VIOLATION AND THE CANONS OF JUDICIAL ETHICS.

DISHONOR/COUNT/CLAIM/VOID

6. WHEREINFOR HIRELING/EMPLOYEE DANIEL L. HOVALAND ACTED IN CONSPIRACY TITLE 18 §2 AND §1001 FOR CASE NO. 4:09-cr-00076-DLH. DOCKET OMITTED HEREIN, AND REMOVED DOCUMENTS FROM BEING FILED FROM THE LITTLE SHELL NATION, WHEREAS IS "FRAUD UPON THE COURT".

DISHONOR/COUNT/CLAIM/VOID

7. WHEREAS HIRELING/EMPLOYEE CHARLES S. MILLER, JR. ACTED IN CONSPIRACY FOR CASE NO. 4:09-cr-00076-DLH, DOCKET OMITTED; TITLE 18 §2 AND §1001.

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DISHONOR/COUNT/CLAIM/VOID

8. DOCKET NO. 21 ON 11-25-2009, MAGISTRATE JUDGE KAREN K. KLINE DEMONSTRATED DISHONOR/FRAUD UPON THE COURT BY WRONGFUL ACTS AGAINST THE ALLEGED DEFENDANT, EXECUTOR-MICHAEL-HOWARD-REED. TM. AND COMING IN AS A THIRD PARTY INTERVENOR BY RULING ON MOTIONS 13, 14, 15, 16, 17, AND NOT REBUTING THE AFFIDAVIT WHEREAS KAREN K. KLINE WAS ACTING AS THE "ATTORNEY IN FACT" AND WAS THE "STAR CHAMBER COURT" ALL AT ONCE: WHICH IS IN VIOLATION OF DUE PROCESS DOCTRINE AND JUDICIAL MISCONDUCT; TRIAD ENERGY CORP. V. MCNEILL, 110 FRD 382(SDNY 1986); RE ESTATE OF WELLS, 983 P.2D 279(KAN.APP. 1999); ROOK V. ROOK, 353 S.E.2D 756(Va 1987) AND DID NOT FOLLOW STATUTORY PROCEDURE; ARMSTRONG V. OBUCCINO, 300 Ill 140, 143 (1921).

DISHONOR/COUNT/CLAIM/VOID

9. ON 11-25-2009, EXECUTOR-MICHAEL-HOWARD-REED. TM. GAVE NOTICE OF COPYRIGHT BY COMMON LAW, AND NOTICE OF DECLARATION OF INDEPENDENCE; WHEREAS JUDGE KAREN K. KLINE, ON HER OWN ORDER DOCKET NO. 21 BECAME DISQUALIFIED JUDGE DISQUALIFICATION OCCURS WHEN THE FACTS CREATING DISQUALIFICATION ARISE, NOT WHEN THE DISQUALIFICATION IS ESTABLISHED. (CHRISTIE V. CITY OF EL CENTRO, SUPRA., 135 CAL.APP. 4TH AT P.776, 37 CAL.RPTR 3D 718) AND ALL ORDERS MADE BY DISQUALIFIED JUDGE ARE VOID. (CADENASSO V. BANK OF ITALY, (1932), 214 CAL. 562, 6 P.2D 944.

DISHONOR/COUNT/CLAIM/VOID

10. ON 11-30-2009, CASE NO. 4:09-cr-00076-DLH DOCKET ENTRY NO. 23, SUPPLEMENT, MISSING DOCUMENT PROVES THAT DUE PROCESS DOCTRINE, AND RULES OF COURT WERE VIOLATED, (OMITTED HEREIN AND DUELY CONSTITUTED).

DISHONOR/COUNT/CLAIM/VOID

11. ON 12-04-2009, MAGISTRATE JUDGE CSM, JR., VIOLATED THE EXECUTOR MICHAEL-HOWARD-REED. TM. FOR APPOINTING FEDERAL PUBLIC DEFENDER DRELL SCHMITZ AS STANDBY COUNSEL; WHEREINFOR ACTING AS AN EXECUTOR-FIDUCIARY FOR ONE OF WE-THE-PEOPLE - EXECUTOR-MICHAEL-HOWARD-REED. TM. IN AN ATTEMPT FOR PROCUREMENT OF JURISDICTION, FREEDMAN BROTHERS FURNITURE V. DEPT OF REVENUE, 109 Ill.2D 202, 486 N.E.2D 893(1985).

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DISHONOR/COUNT/CLAIM/VOID

12. WHEREAS DAVID D. HAGLER NEVER RESPONDED FOR THE AFFIDAVIT DOCKET NO. 25 IN 4:09-cr-00076-DLH (OMITTED) IN DAVID HAGLER RESPONSE FOR MOTION FOR DISMISSAL DOCKET NO. 31, 4:09-cr-00076-DLH ON 12-10-2009. WHEREAS NOW DOCUMENT 14, 25, 31, STAND AS CONTROLLING LAW BY AND THROUGH THE ADMINISTRATION PROCEDURE PROCESS, WHICH HAVE FULL FAITH AND CREDIT, OF CONGRESS, AND THE CONSTITUTION AS FINAL JUDGMENT FOR CASE NO. 4:09-cr-00076-DLH.

DISHONOR/COUNT/CLAIM/VOID

13. ON 12-21-2009, DOCKET NO. 32, DAVID D. HAGLER DID NOT RESPOND FOR THE DOCKET NO. 14, MEMORANDUM AND POINTS OF AUTHORITY FOR MOTION FOR REVIEW FOR RELEASE AS AFFIDAVIT AND REPRESENTATION AND WARRANTY FOR CONCLUSION FOR LAW; AND NEVER RESPONDED WITH A WRITTEN WAIVER FOR USING THE COPYRIGHT; AND DOCKET NO. 32, REFLECTS THIS AND WAS CONSIDERED NOTICE OF FAULT AND COMPLAING. WHEREAS AFFIDAVIT STANDS AS LAW. SEE DISHONOR/COUNT/CLAIM/VOID NO. 11 OMITTED HEREIN.

DISHONOR/COUNT/CLAIM/VOID

14. ON 12-30-2009, DOCKET NO. 34, LODGMENT OF VOID AS AFFIDAVIT AND CONCLUSION OF LAW AND ORDER. WHEREAS THE CLAIMANT-EXECUTOR-MICHAEL-HOWARD-REED. TM. WAS DENIED DUE PROCESS AS FOR DAVID D. HAGLER NEVER RESPONDED FOR THE AFFIDAVIT. AND SERVED AS DEFAULT JUDGMENT: THE VOID WAS NEVER REBUTTED WHEREAS THIS WAS THE SECOND TIME THE EXECUTOR WAS NOT AFFORDED DUE PROCESS.

DISHONOR/COUNT/CLAIM/VOID

15. ON 1-05-2010, DOCKET NO. 37, DANIEL L. HOVALAND VIOLATED THE SUPREME LAW OF THE LAND, AND THE CANONS OF JUDICIAL ETHICS, AND THE CONSTITUTION BY COMING INTO THE CONTRACT OF EXECUTOR-MICHAEL-HOWARD-REED. TM. AND DEEMING IT NULL AND VOID, WHEREINFOR THIS CREATES A GROSS VIOLATION OF DUE PROCESS AND VIOLATING THE CONTRACT WHEREAS DANIEL L. HOVALAND IS JUST A HIRELING/EMPLOYEE JUDICIAL OFFICER OF WE-THE-PEOPLE AND MUST ADHERE TO THE CONSTITUTION AND GUILT FOR OVERTHROWING AND THROWING OFF THIS FORM OF GOVERNMENT AND BECAME DISQUALIFIED WHEN HE CAME IN AS A THIRD PARTY INTERVENOR AND ACTED AS AN ATTORNEY FROM THE BENCH BY ANSWERING THE AFFIDAVIT DOCUMENT NO. 25 AND CREATED A PRIVATE CONTRACT BY VIOLATING THE RULES OF THE COURT AND ALL TREATIES, CONSTITUTION, ARTICLE 6 §2, AND IN DOCUMENT 25, AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS.

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DISHONOR/COUNT/CLAIM/VOID

16. ON 1-22-2010, EXECUTOR-MICHAEL-HOWARD-REED. TM. FILED LODGMENT OF BILL QUIATIMET AS AFFIDAVIT, WHEREAS DANIEL L. HOVALAND ONCE AGAIN VIOLATED DUE PROCESS AND THE ACTS OF CONGRESS, TREATY, CONSTITUTION, THE DOCTRINE OF DECLARATORY JUDGMENT, AND WE-THE-PEOPLE, AND WAS A SECOND VOID ORDER.

DISHONOR/COUNT/CLAIM/VOID

17. ALSO ON 1-22-2010, EXECUTOR-MICHAEL-HOWARD-REED. TM. FILED A LODGMENT OF VOID ORDER ON DOCKET NOS. 34, 43 ON 1-5-2010, WHERE AS JUDGE HOVALAND CAME IN AS A PRIVATE INTERLOPER ONCE AGAIN AND VIOLATED DUE PROCESS ON THE EXECUTOR-MICHAEL-HOWARD-REED. TM. ONE OF WE-THE-PEOPLE AND AMONG OTHER NATIONS WHICH WE WILL LEAVE FOR ANOTHER DAY.

DISHONOR/COUNT/CLAIM/VOID

18. ON 1-22-2010, EXECUTOR-MICHAEL-HOWARD-REED. TM. ICC V203 FILED NOTICE OF DECLARATORY JUDGMENT AND FOREVER BARRED AND COLLATERAL ESTOPPEL BY RES JUDICATA NUNC PRO TUNC, WHEREAS JUDICIAL OFFICER DANIEL L. HOVALAND ONCE AGAIN VIOLATED AND COMMITTED A WRONGDOING FOR THIS DUE PROCESS, AND VIOLATION OF SUPREME COURT DECLARATORY JUDGMENT. ICC VOL203, SEE SENATE DOCKET NO. 444, AND 13667 18A ICC 1964, WHICH IS CONTROLLING ON THE COURTS IN RE RAMBERG ESTATE(1940) 20 N.Y.S.2D 619,174, MISC., 306; AND WHEN RATIFIED IT BECAME THE SUPREME LAW OF THE LAND AND THE DISTRICT COURT HAS NO POWER FOR QUESTIONING THE RIGHTS OF THE NATION OR GTRIVE, WITH WHOM ITS MADE: THE ACTION OF THE TREATY MAKING POWER IS CONCLUSIVE; MAIDEN V. INGERSOLL(1859) 6 MICH. 367; RIVERS V. ROADWAY EXPRESS, INC., 501 US 298,312; 114 S.Ct. 1510, 128 L. Ed.2d 274(1994).

DISHONOR/COUNT/CLAIM/VOID

19. ON 1-25-2010, JUDICIAL OFFICER FOR THE COURT DANIEL L. HOVALAND, ONCE AGAIN VIOLATED DUE PROCESS OF THE COURT BY ISSUING AN ORDER IN VIOLATION OF THE LAW AND VIOLATION OF THE COURT, AND RULES OF COURT BECAUSE IT DID NOT HAVE A MEMORANDUM POINTS OF AUTHORITIES AND CONCLUSIONS OF LAW, AND ONE CANNOT RULE ON HIS VOID.

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DISHONOR/COUNT/CLAIM/VOID

20. ON 1-25-2010, SEE DOCKET NO. 47, DANIEL L. HOVALAND JUDICIAL OFFICER ONCE AGAIN COMMITTED A WRONGDOING BY WAY OF FICTITIOUS VOID ORDER FOR TRIAL RESET FOR 1-27-2010.

DISHONOR/COUNT/CLAIM/VOID

21. ON 1-28-2010, SEE DOCKET NO. 51, OMITTED, IS VOID ON ITS FACE, AND IS PROOF OF VIOLATION OF DUE PROCESS DOCTRINE.

DISHONOR/COUNT/CLAIM/VOID

22. ON 2-5-2010, SEE DOCKET NO. 55, JUDICIAL OFFICER CHARLES S. MILLER ORDER IS ANOTHER ACT OF CONSPIRACY AGAINST ONE-OF-WE-THE-PEOPLE = EXECUTOR-MICHAEL-HOWARD-REED. *TM. FOR THROWING OFF AND OVERTHROWING THE ORIGINAL FORM OF GOVERNMENT.

DISHONOR/COUNT/CLAIM/VOID

23. ON 2-11-2010, SEE DOCKET NO. 56, PRELIMINARY ORDER IS VOID, AND VIOLATION OF GUARANTEED PROTECTED RIGHTS BY AND THROUGH THE CONSTITUTION, AMENDMENT II. 305 US 165 STOLL v. GOTTLIEB.

DISHONOR/COUNT/CLAIM/VOID

24. ON 4-08-2010, SEE DOCKET NO. 60, OMITTED, WAS VOID ON ITS FACE FROM DOCKET NO. 56, WHEREAS ONE CANNOT ISSUE ORDERS FROM A VOID AND NO JURISDICTION, VIOLATION OF GUARANTEED PROTECTED RIGHTS. 305 US 165, STOLL v. GOTTLIEB.

DISHONOR/COUNT/CLAIM/VOID

25. ON 4-23-2010, SEE DOCKET NO. 65, JUDICIAL OFFICER, DANIEL L. HOVALAND COMMITTED A WRONGFUL ACT IN ISSUING JUDGMENT KNOWING IT WAS VOID AB-INITIO, AND VIOLATING DUE PROCESS.

DISHONOR/COUNT/CLAIM/VOID

26. ON 5-6-2010, SEE DOCKET NO. 70 AND 71, OMITTED, EXECUTOR-MICHAEL-HOWARD-REED.*TM. FILED SECOND NOTICE OF DEFAULT OF COPY-RIGHT AND TRUE BILL AND DOCKET NO. 71, OMITTED, AFFIDAVIT IN SUPPORT. WHEREAS OF TO DATE THERE HAS BEEN NO RESPONSE FOR THE AFFIDAVIT, AND IS FURTHER DUE PROCESS VIOLATION.

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DISHONOR/COUNT/CLAIM/VOID

27. ON 5-7-2010, SEE DOCKET NO. 75, OMITTED, JUDICIAL OFFICER IN VIOLATION OF THE COURT, AND ISSUED A FINAL ORDER OF FORFEITURE OF PROPERTY ON A VOID CASE.

DISHONOR/COUNT/CLAIM/VOID

28. ON 5-7-2010, SEE DOCKET NO. 76, OMITTED, ORDER BY THE UNITED STATES COURT OF APPEALS(USCA) APPOINTED FEDERAL PUBLIC DEFENDER FOR CASE NO. 10-2010 USCA, REPRESENTING THE EXECUTOR-MICHAEL-HOWARD-REED.*TM. AND IS ACTING AS A FIDUCIARY FOR EXECUTOR, ONE-OF-WE-THE-PEOPLE IN VIOLATION OF DUE PROCESS AND WRONGFUL CONVERSION, AND IS ACTING AS THE EXECUTOR OF THE ESTATE, WHICH IS GENOSIDE.

DISHONOR/COUNT/CLAIM/VOID

29. ON 7-21-2010, EXECUTOR-MICHAEL-HOWARD-REED.*TM. FILED THE APPELLANT BRIEF AND THIS COURT USCA-8 RETURNED THE BRIEF OF THE EXECUTOR WHEREINFOR IS VIOLATION OF DUE PROCESS, BECAUSE THEIR APPOINTED FEDERAL DEFENDER DID NOT REPRESENT THE REAL PARTY AT TRIAL, AND WOULD NOT TALK TO THE REAL PARTY IN INTEREST FOR THE BRIEF. WHEREINFOR IT WAS NEVER BRIEFED BY MICHAEL-HOWARD-REED.

DISHONOR/COUNT/CLAIM/VOID

30. ON 03-08-2011, JAMES B. LOKEN, KERMIT EBYE, D. PRICE MARSHALL AFFIRMED THE DISTRICT COURT JUDGMENT, WHEREAS THE USCA-8 VIOLATED DUE PROCESS AND BECAME CO-CONSPIRATORS IN VIOLATION OF DUE PROCESS, AND BY THEIR OPINION THE JUDICIAL OFFICERS OF THE COURT LOST ALL IMMUNITY AND DAVID D. HAGGIER AND DANIEL L. HOVALAND, NEVER ANSWERED THE AFFIDAVITS, SEE DOCKET NOS. 14, 25, 32, WHEREAS THIS PROVES YOU COMMITTED THE WRONGDOING AS AFFIRMED BY THEIR OWN SIGNATURE AS EVIDENCE AND IT FURTHER PROVES THAT ALL JUDICIAL OFFICERS HEREINFOR ARE ALL IN CONSPIRACY FOR COMMITTING FRAUD UPON THE COURT, AND ACTING AS A THIRD PARTY INTERVENOR WITH AN AGENDA FOR OVERTHROWING THE ORIGINAL FORM OF GOVERNMENT, IN ALL CASE NOS. 4:09-cr-00076-DLH AND 1:10-cr-00041 AND 10-2010.

DISHONOR/COUNT/CLAIM/VOID

31. THE USCA-8, IS IN CO-CONSPIRACY FOR COMMITTING GENOSIDE ON WE-THE-PEOPLE-HEIR/SETTLOR/CREATOR FOR THE UNITED STATES OF AMER-

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ICA AND THIS CONSTITUTIONAL FORM OF GOVERNMENT.

DISHONOR/COUNT/CLAIM/VOID

32. WHEREINFOR THE USCA-8 JUDICIAL OFFICERS KERMIT E. BYE, JAMES B. LOKEN, D. PRICE MARSHALL, HAVE ALL COMMITTED FRAUD UPON THE COURT AS ACTING AS A FIDUCIARY OVER ONE-OF-WE-THE-PEOPLE, EXECUTOR-MICHAEL-HOWARD-REED.*TM. WHEREAS IS NOT A CORPORATION, AND COMMITTING GENOSIDE, AND THROWING OFF, AND OVERTHROWING THE ORIGINAL GOVERNMENT.

DISHONOR/COUNT/CLAIM/VOID

33. WHEREAS USCA-8, CASE NO. 10-2010, IS VOID ON ITS FACE AND COURT CLERK JUDICIAL OFFICER MICHAEL E. GUNS IS IN CONSPIRACY OF THE SAME.

DISHONOR/COUNT/CLAIM/VOID

34. ON 06-08-2010, THOMAS J. WRIGHT CAUSED DISHONOR AND FILED THE FICTITIOUS/FRAUDULENT INDICTMENT CASE NO. 1:10-cr-00041-DLH WITHOUT GRAND JURY CONCURRENCE, OR VOTING BY BALLOT WITH TWELVE(12) GRAND JURORS CONCURRENCE FOR INDICTMENT, WHEREAS IN VIOLATION OF RULE 6, AND THE ACTS OF CONGRESS AND THE CONSTITUTION. SEE EXHIBIT.(1).

DISHONOR/COUNT/CLAIM/VOID

35. ON 06-08-2010, THOMAS J. WRIGHT VIOLATED THE SUPREME LAW OF THE LAND, RULES OF CRIMINAL PROCEDURE, AND THE CONSTITUTION AND DID NOT SERVE ALLEGED DEFENDANT BEFORE THE GRAND JURY RULE 6 WHERE AS THIS WAS "STAR CHAMBER" PROCEDURE TO DEPRIVE A CITIZEN OF FAIR HEARING. CONSEQUENTLY, IF THE COMMISSION HAD BASED ITS DECISION UPON MATTER NOT INTRODUCED IN EVIDENCE[106 F.1D 327] THE HEARING, AS WAS DONE IN UNITED STATES v. ABILENE & SOUTHERN R.CO. WOULD HAVE BEEN VOID, AND AN ORDER OR DECISION UNSUPPORTED BY EVIDENCE IS VOID. WHEREINFOR THE INDICTMENT IS VOID ON ITS FACE GAITHER v. UNITED STATES, 413 F.2D 1061.

DISHONOR/COUNT/CLAIM/VOID

36. ON 06-15-2010, SEE DOCKET NO. 10, COURT PROCEEDINGS HELD BEFORE MAGISTRATE JUDGE ALICE R. SENECHAL, HIRELING/EMPLOYEE/JUDICIAL OFFICER OF THE COURT DISHONORED THE LAWS OF THE COURT ACTS

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OF CONGRESS, UNITED STATES v. LEE, 106 US 196, AND THE SUPREME LAW OF THE LAND SUPREME COURT DECISION, "SHALL," "WILL," "MUST" FOLLOW RULES OF COURT AND ALL ACTS OF CONGRESS, AND THE CONSTITUTION. RIVERS v. ROADWAY EXPRESS, INC., 511 US 296, 312, 114 S. Ct. 1510, 128 L. Ed. 2d 274(1994); HEWITT v. HELMS, 459 US 46 AND 494 US 221(6); MELVO v. UNITED STATES, 505 F.2D 1026; ROSEMOND v. LAMBERT, 469 F.2D 416; AS STATES AS FOLLOWS

1. ON 06-15-2010, JUDGE ALICE R. SENECHAL BECAME A TRESPASSER OF THE COURT WHEN ALICE R. SENECHAL DID NOT PROVE JURISDICTION ON THE RECORD AND THE JUDICIAL ACT, BASSO v. UTAH POWER AND LIGHT, AND LOST JURISDICTION AND OF THIS SHE/HE IS NOT THE JUDGE, SHE HAS CEASED TO BE A JUDGE. BRADLEY v. FISHER, 20 LEO 646(1872);

2. TRANSCRIPT OF DIGITAL AUDIO RECORDING OF INITIAL APPEARANCE AND ARRAIGNMENT, OMITTED HEREIN, CASE NO. 1:10-cr-00041-1; AND 4:09-cr-00076-DLH;

3. WHEREINFOR ALL PROCEEDINGS ARE VOID ON THEIR FACE, VALLEY v. NORTHERN FIRE & MARINE INS. CO., 254 US 348(1920) AND THIS IS EVEN PRIOR TO REVERSAL, ELLIOTT v. PEARSON, 1 PET 328, 26 US 340; OLD WAYNE LIFE ASSOC. v. McDONOUGH, 204 US 8;

4. ACCORDING TO LONG v. SHOREBANK DEVELOPMENT CORP., 182 F. 3D 548, 561(7th Cir. 1999) AVOID JUDGMENT[INCLUDES]JUDGMENT ENTERED BY A COURT WHICH LACKS JURISDICTION OVER THE PARTIES OR THE SUBJECT MATTER, OR LACKS INHERENT POWER TO ENTER THE PARTICULAR JUDGMENT OR ORDER PROCURED BY FRAUD, CAN BE ATTACKED AT ANY TIME, IN ANY COURT, EITHER DIRECTLY OR COLLATERALLY; WHEREINFOR THOMAS J. WRIGHT USED THE OFFICE OF THE AUSA FOR CLEANING UP DANIEL L. HOVALAND AND LYNN JORDHEIM AND DAVID D. HAGGIER'S PRIVATE CONTRACT IN CASE NO. 4:09-cr-00076-DLH-1-2 IN THE ADMINISTRATIVE PROCESS FROM THE ACTS OF CONGRESS, TITLE 5, DOCKET NOS. 14, 25, 31 AND THE FRAUD UPON THE COURT, AND THE VIOLATION OF THE COPY-RIGHT OF MICHAEL-HOWARD-REED.*TM. AND DECLARATION OF INDEPENDENCE;

5. THE, INDICTMENT, FILED ON 6-08-2010, FROM ITS INCEPTION WAS A COMPLETE NULLITY AND WITHOUT LEGAL EFFECT HOLSTEIN v. CITY OF CHICAGO, 803 F.SUPP.205(N.D.Ill. 1992)AFFIRMED 29 F.3D 1145 (7TH Cir. 1994);

6. IN ORNER v. SHALALA, 30 F.3D 1307(10TH Cir. 1999) HELD THAT "WHEN THE RULE PROVIDING FOR RELIEF FROM A VOID JUDGMENT IS APPLICABLE, RELIEF IS NOT DISCRETIONARY, BUT MANDATORY"(EMPHASIS ADDED) SMALL v. BATISTA, 22 F.SUPP.2D 230,231(SDNY 1998);

7. "COURT MUST PROVE ON THE RECORD ALL JURISDICTION FACTS RELATED TO THE JURISDICTION ASSERTED" LANTANA v. HOPPER, 102 F.2D 188; CHICAGO v. NEW YORK, 37 F.SUPP. 150, AND CAN BE CHALLENGED AT ANY TIME; BASSO v. UTAH POWER AND LIGHT CO., 495 F.2D 906, 910. AND ON 6-15-2010, DOCKET NO. 10, THE COURT DID NOT.

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DISHONOR/COUNT/CLAIM/VOID

37. WHEREINFOR ALL PROCEEDINGS 12-21-2009, CASE NO. 1:10-cr-00041-DLH-CBK IS VOID ON ITS FACE; AND USCA NO. 10-2010, NO. 11-1482 WHEN THOMAS J. WRIGHT, ET AL., AND THE JUDICIAL OFFICER OF THE COURT DID NOT PROVE JURISDICTION; ROOK V. ROOK, 233 Va. 92, 95, 353 SE 2D 756, 758(1987); PEOPLE EX REL. GOWDY V. BALTIMORE & OHIO R.R. CO., 385 Ill. 86, 92, 52 N.E. 2D 255(1943).

DISHONOR/COUNT/CLAIM/VOID

38. WHENEVER ANY OFFICER OF THE COURT COMMITS FRAUD DURING A PROCEEDING IN THE COURT HE/SHE IS ENGAGED IN "FRAUD UPON THE COURT" IN BULLOCK V. UNITED STATES, 763 F.2d 1115, 1121(10TH Cir. 1985) "IT IS WHERE THE COURT MEMBER IS CORRUPTED OR INFLUENCED IS ATTEMPTED OR WHERE THE JUDGE HAS NOT PERFORMED HIS/HER JUDICIAL FUNCTION--THUS WHERE THE IMPARTIAL FUNCTIONS OF THE COURT HAVE BEEN DIRECTLY CORRUPTED" ON 6-8-2010, THE INDICTMENT, ON 6-15-2010, SEE DOCKET NO. 10, OMITTED.

DISHONOR/COUNT/CLAIM/VOID

39. "FRAUD UPON THE COURT" HAS BEEN DEFINED BY THE 7TH CIRCUIT COURT OF APPEALS TO "EMBRACE THAT SPECIES OF FRAUD WHICH DOES, OR ATTEMPTS TO, DEFILE THE COURT ITSELF, OR IS A FRAUD PERPETRATED BY OFFICERS OF THE COURT SO THAT THE JUDICIAL MACHINERY CAN NOT PERFORM IN THE USUAL MANNER ITS IMPARTIAL TASK OF ADJUDICATING CASES THAT ARE PRESENTED FOR ADJUDICATION" KENNER V. C.I.R., 387 F.3D 689(1968); MOORE'S FEDERAL PRACTICE, 2D ED., p.572, 9160.23. THE 7TH CIRCUIT FURTHER STATED "A DECISION PRODUCED BY FRAUD UPON THE COURT IS NOT IN ESSENCE A DECISION AT ALL, AND NEVER BECOMES FINAL; THOMAS J. WRIGHT DID NOT ANSWER THE MOTION ON 7-12-2010, SEE DOCKET NO. 25 AND THE JUDICIAL OFFICER FOR THE COURT ON 8-02-2010, SEE DOCKET NO. 45 DENYING RELIEF, FROM MOTION 21 THROUGH 40.

DISHONOR/COUNT/CLAIM/VOID

40. ON 8-10-2010, MICHAEL E. GAUS, COURT CLERK DISMISSED THE INTERLOCUTORY APPEAL ON CHARLES B. KORNMAN ORDER DOCKET NO. 37, 44, 45, AND ON 8-10-2010, DOCKET NO. 48 JUDGMENT OF USCA-8 DISMISSED FOR LACK OF JURISDICTION, APPEAL IS PREMATURE, WHEREAS MICHAEL E. GAUS AND ALL THE JUDICIAL OFFICERS VIOLATED THE RULES OF APPEAL, RULE 4, AND HAVE COMMITTED FRAUD UPON THE COURT.

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DISHONOR/COUNT/CLAIM/VOID

41. WHEREINFOR ALL ORDERS, MEMORANDUMS, NOTICES, FROM CHARLES B. KORNMAN AND ALICE R. SENECHALL, AND THE UNITED STATES COURT OF APPEALS, USCA-8, FOR CASE NO. 1:10-cr-00041-DLH-CBK-1-2 AND USCA-8, NOS. 10-2704, 10-3266, 11-1462 ARE VOID ON THEIR FACE, AND ARE LIKE LOOKING AT A BLANK PIECE OF PAPER: GOLDWIN V. HALE, UNITED STATES V. SCIUTO, 521 F.2D 842, 845 (7TH Cir. 1996); THE PEOPLE OF THE STATE OF ILLINOIS V. FRED E. STERLING, 357 Ill. 354; 192 N.E. 229(1934) AND THE PROCEEDINGS ARE VOID AGAINST THOMAS J. WRIGHT AND ALL ATTORNEYS. BRADLEY V. FISHER, 20 CED 646(1872), RANDALL V. BRIGNAM, 7 Wall 523, 19 CED 285.

CONCLUSION

WHEREFORE EVERYTHING STATED ABOVE ALL CASES, JUDGES, ATTORNEYS, COURT CLERKS, ET/AL HAS COMMITTED WRONGDOING AND VIOLATED THE SUPREME LAW OF THE LAND AND IS VOID ON ITS FACE, AND ALL SENTENCING ORDERS, JUDGMENTS, STATEMENT OF REASONS, FOR ALL CASES ARE VOID ON THE FACE AND IS LIKE LOOKING AT A BLANK PIECE OF PAPER.

THIS IS UNDER THE PENALTIES OF PERJURY BY AND THROUGH 28§746.

DATED January 5, 2015

Respectfully

By

Executor Michael Howard Reed, M.
without prejudice UCC 1-207

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Case 4:09-cr-00076-DLH Document 95 Filed 01/12/15 Page 19 of 23

CERTIFICATE OF SERVICE

I DO HEAR BY CERTIFY THAT I CAUSED WRITTEN NOTICE OF DISHONOR AND AFFIDAVIT NOTICE OF FRAUD UPON THE COURT AND VOID NUNC PRO TUNC AB INITIO BY RES JUDICATA OF ALL PRESENTMENTS IN THE CASE'S ENTITLED "UNITED STATES OF AMERICA VS. MICHAEL HOWARD REED, GEGORY A. BELLEN DAVIS, IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA AND THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT COURT TO BE SENT IN SEALED ENVELOPE FIRST CLASS POSTAGE AFFIXED, ADDRESS TO:

U.S. Court House
Court Clerk
220 E Rosser AVE
Room 476
Bismarck, ND 58501
United States

Thomas J Wright
U.S. Attorney
325 S 1ST AVE
Suite 300
Sioux Falls, SD 57104
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921 OHIO ST
Room 104
Terre Haute, IN 47807
United States

Jan L Holmgren
U.S. Attorney
PO BOX 2638
Sioux Falls, SD 57101-2638
United States

AND DEPOSITING SAME IN THE U.S. MAIL ON THIS 5TH DAY OF JANUARY 2015;

Respectfully
by *Michael Howard Reed*
Executor Michael Howard Reed, M.
without prejudice U.C.C. 1-207.

BCC:

Case 4:09-cr-00076-DLH Document 95 Filed 01/12/15 Page 20 of 23



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

November 1, 2013

Mr. Michael Howard Reed
Register No. 04414-048
Federal Correctional Institution
Post Office Box 33
Terre Haute, IN 47808

Re: Appeal No. AP-2013-04504
DRC

VIA: U.S. Mail

Dear Mr. Reed:

This responds to your letter dated October 22, 2013, in which you notified this Office of an address change and inquired regarding the status of your appeal.

By letter dated September 18, 2013 (copy enclosed), this Office affirmed, on partly modified grounds, EOUSA's action on your request.

Sincerely,

Paul E. Work
for
Anne D. Work
Senior Counsel
Administrative Appeals Staff

Enclosure



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

September 18, 2013

Mr. Michael Howard Reed
Register No. 04414-048
United States Penitentiary
Post Office Box 1000
Marion, IL 62959

Re: Appeal No. AP-2013-04504
Request No. 12-4268
SRO:SVR

VIA: U.S. Mail

Dear Mr. Reed:

You appealed from the action of the Executive Office for United States Attorneys (EOUSA) on your request for access to grand jury records concerning yourself located in the United States Attorney's Office for the District of North Dakota. Specifically, you requested grand jury testimony, grand jury evidence, and the grand jury voting ballot records.

After carefully considering your appeal, I am affirming, on partly modified grounds, EOUSA's action on your request. In order to provide you with the greatest possible access to responsive records, your request was reviewed under both the Privacy Act of 1974 and the Freedom of Information Act. This Office has determined that the records responsive to your request are exempt from the access provision of the Privacy Act. See 5 U.S.C. § 552a(j)(2); see also 28 C.F.R. § 16.81 (2013). For this reason, your appeal has been reviewed under the FOIA.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities.

Please be advised that EOUSA could locate no records concerning the portion of your request for records regarding the grand jury voting ballot. I have determined that EOUSA conducted an adequate, reasonable search for such records.

With regard to your request for grand jury evidence and transcripts, to the extent that such records exist, EOUSA properly withheld this information in full because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b)(3). This provision concerns matters specifically exempted from release by statute (in this instance, Rule 6(e) of the Federal Rules of Criminal Procedure, which pertains to the secrecy of grand jury proceedings).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and

analyzed your appeal, your underlying request, and the action of EOUSA in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 301-837-1996; toll free at 1-877-684-6448; or facsimile at 301-837-0348.

Sincerely,

Sean R. O'Neill
Sean R. O'Neill
Chief
Administrative Appeals Staff

Local AO 442 (Rev. 6/2009) Arrest Warrant

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION

United States of America

v.

MICHAEL HOWARD REED

Defendant

Case No. 4:09-cr-076

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) Michael Howard Reed

who is accused of an offense or violation based on the following document filed with the court:

☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Possession of Firearm and Ammunition by a Fugitive From Justice
Forfeiture Allegation



Date: 09/25/2009

/s/ Renee Svihl, Deputy Clerk

Issuing officer's signature

City and state: Bismarck, North Dakota

Renee Svihl, Deputy Clerk

Printed name and title

Return

This warrant was received by (date) 9/25/09 and the person was arrested on (date) 10/21/09
at (city and state) Clark County, Nevada

Date: 10/21/09

JBI, Nevada

Poy Diana Hargrave
Printed name and title

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

V.

Michael-Howard-Reed.

Defendant.

CASE# 4:09-cr-00076-DLH-1-2
3:10-cv-00030-RRE-CBK
1:10-cr-00041-DLH-CBK

NOTICE OF DISQUALIFICATION OF
JUSTICE, JUDGES, AND ALL
MAGISTRATE JUDGES FOR THE
EIGHT CIRCUIT BY AND THROUGH
TITLE 28 §453, §454, §455
FOR DEFENDANT'S MOTION TO
DISMISS WITH PREJUDICE FOR
LACK OF SUBJECT-MATTER
JURISDICTION BY NEW EVIDENCE
AND FOR FRAUD UPON THE COURT

NOTICE OF DISQUALIFICATION OF JUSTICE, JUDGES, AND ALL
MAGISTRATE JUDGES FOR THE EIGHT CIRCUIT BY AND THROUGH
TITLE 28 §453, §454, §455 FOR DEFENDANT'S MOTION TO DISMISS
WITH PREJUDICE FOR LACK OF SUBJECT-MATTER JURISDICTION BY
NEW EVIDENCE AND FOR FRAUD UPON THE COURT

Comes now, Michael-Howard-Reed, by special appearance and
lodges this NOTICE of disqualification of Justice, Judges, and
all Magistrate Judges for the Eight Circuit by and through
title 28 §453, §453, §455, for Defendant's motion to dismiss
with prejudice for lack of subject-mater jurisdiction by and
new evidance, and for Fraud upon the Court and states as
follows;

On or about Janurary 12, 2015, I Michael-Howard-Reed. Caused
to be filed Notice of Dishonor and Affidavit Notice of Fraud
Upon the court and VOID Nuncprotunc, Abinitio by Res-Judicata,
(See Exhibit 1,) for case # 4:09-cr-00076, and 3:10-cv-00030,
and 1:10-cr-00041, and Appellate Case# 10-2010, 10-2704, 10-
3266, 10-1462. Whereas all employee's and judicial officers
have committed fraud upon the court, and the court clerk has

1 committed violations for title 28§ 1001, and §2071, and §2073,
 2 and all of the eight circuit has lost jurisdiction by and
 3 through the Chief justice when he ruled with out jurisdiction
 4 and sign the order for Charles B. Kornmann. for come into the
 5 District of North Dakota, and for not answering the notice of
 6 Dishonor with an affidavit, and all of the Justices, Judges,
 7 Magistrate Judges, never answer. Whereinfor they are all
 8 Disqualified, and the only Justice that can hear this matter
 9 is Justice Neil M. Gorsuch. for whom presides over the eight
 10 Circuit and all District courts in that circuit, for when all
 11 of the Judicial officers have been Disqualified for violation
 12 and Breach of fiduciary duty, from the Acts of Congress, Court
 13 Rules, Cannons of judicial ethics, and for fraud upon the
 14 court, and for overthrowing/Throwing off this form of
 15 Government for which is very Serious, and for which I wish it
 16 never took place but it did, so now it is "Ripe" for Justice
 17 Neil M. Gorsuch, for receiving this filing, 530 US 1301, and
 18 332 US 380, §87;

19 "Those dealing with an officer or agent of
 20 the United States must be held to have had
 21 notice of the limitations upon his
 22 authority, Sutton v. United States 256 us
 23 575,579, 65 L ed 1099,1102, 41 S ct 563, ALR
 24 403, Wilber Nat BANK v. United States, 294
 25 us 120, 123, 124, 79 L ed 798, 801,802, 55S
 26 ct 362.

27 CONCLUSION

28 Whereinfor, the injured and molested by fraud upon the court
 Michael-Howard-Reed. will file the Unextraordinary writ for
 habeas Corpus by Mandans, to the Justice Neil M. Gorsuch, for

1 The hearing of the original writ Habeas Corpus in Camera,
2 Exparte by Exigence; and estoppel of the Eight Circuit
3 Judicial officers for acting in there own behalf for there
4 own Fraud upon the Court;;

5
6
7 Dated this 5Th of February, 2018,

8 Respectfully

9
10 
11 Michael-Howard-Reed. © 2018

CERTIFICATE OF SERVICE

I, Michael-Howard-Reed. hereby certify that I have served a true and correct copy of the following: Defendant motion to Dismiss with prejudice for lack of subject-matter jurisdiction by new evidence and for Fraud upon the Court, please file this first and second filing is; Notice of Disqualification of Justices, Judges, for the Eight Circuit by and through Title 28§ 453,§454,§455, for the defendant's motion to dismiss with prejudice for lack of subject-matter Jurisdiction by new evidence and for Fraud upon the court.

Which is deemed filed at the time it was delivered to prison authorities for forwarding to the court, Houston v. Lack, 101 L.Ed.2d 245 (1988), upon the court and parties to litigation and or his/her attorney(s) of record, by placing same in a sealed, postage prepaid envelope addressed to:

U.S. Court house ATT court clerk 220 Rosser AVE room 476,
Bismarck ND. 58501.
Thomas J. Wright U.S. Attorney, 325 S 1st AVE, Suite 300, Sioux
falls, SD. 57104.
Lynn c. Jordheim , and David D, Hagler US. Attorney, po box 699
Bismarck ND. 58502-0699..
Jan L. Holmgren, US. Attorney, po box 2638, Sioux Falls, SD.
57101-2638.

and deposited same in the United States Postal Mail at the Federal Correctional Institution, Safford, Arizona, on this: 5th
day of Feburary, 2018.


Michael-Howard-Reed.

Federal Correctional Institution
P.O.BOX 9000
Safford, Arizona 85548

Michael Howard Reed
04414-048
Federal Correctional Institution
P.O. Box 9000, # C-2-5
Safford, AZ 85548-9000

Jeffery A. Reed

04414-048

04414-048

U S Court House
Court Clerk
220 E Rosser AVE
room 476
Bismarck, ND 58501
United States

Love and Gratitude

